

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. Anthony Javon Smith**

**Docket No. 7:17-CR-125-1D**

**Petition for Action on Supervised Release**

COMES NOW Cierra M. Wallace, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Anthony Javon Smith, who, upon an earlier plea of guilty to Distribution and Possession With Intent to Distribute a Quantity of Heroin 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C), was sentenced by the Honorable James C. Dever III, U.S. District Judge, on July 11, 2018, to the custody of the Bureau of Prisons for a term of 24 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Anthony Javon Smith was released from custody on August 20, 2019, at which time the term of supervised release commenced.

On March 17, 2020, a violation report was submitted to the Court advising that Smith had provided a positive urinalysis screening and failed to follow the instructions of the probation officer. Supervision was permitted to continue.

On May 11, 2020, a violation report was submitted to the Court advising that Smith was arrested for Possession of Drug Paraphernalia. It was recommended that the Court take no action pending disposition of the case and the Court agreed.

On September 15, 2020, a Petition for Action on Supervised Release was submitted to the Court advising that Smith moved without permission and was not attending substance abuse treatment. The Court agreed to administer a 30-day location monitoring sanction.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On September 30, 2020, Smith began his 30-day term of location monitoring. However, due to an unforeseen circumstance, Smith does not have electricity to his home and is subsequently seeking another residence. Smith does not have viable housing at this time. The probation office is monitoring Smith's progress daily to determine his progress of obtaining housing and is requesting from the court that Smith's term of location monitoring be continued without equipment where he will be able to satisfy the remaining 6 days of location monitoring.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 30 consecutive days. The defendant is restricted to his residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer. The defendant must pay all of the cost of the program.

The radio frequency is modified to a curfew without electronic monitoring equipment.

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Reviewed and approved,

I declare under penalty of perjury that the foregoing  
is true and correct.

/s/ David W. Leake  
David W. Leake  
Supervising U.S. Probation Officer

/s/ Cierra M. Wallace  
Cierra M. Wallace  
U.S. Probation Officer  
414 Chestnut Street, Suite 102  
Wilmington, NC 28401-4290  
Phone: 910-679-2034  
Executed On: October 23, 2020

**ORDER OF THE COURT**

Considered and ordered this 26 day of October, 2020, and ordered filed and  
made a part of the records in the above case.

James C. Dever III  
James C. Dever III  
U.S. District Judge